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Pro SE

11-11388 (JL G)

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

Julian Salim

**Plaintiff,**

V.

## **Alan Nisselson as Trustee**

**Defendant.**

2015 100724 A 9:55

**Julian Salim as owner of Big Apple Volkswagen states as follows:**

The court has jurisdiction to hear this complaint pursuant to 28 U.S.C.

1. Julian Salim and Greg Samborski filed chapter 11 on behalf of Big Apple VW. John Gentile our attorney advised us to file for chapter 11. It was against our will. We were told chapter 11 would save our dealership and perhaps be able to pay off all debts and keep our dealership operating. John Gentile introduced us to his friend, Eric Snyder, a bankruptcy attorney in NYC.

Eric Snyder was hired to represent Big Apple Volkswagen in the chapter 11 and was paid him \$40,000.00 from the money wired out of the dealership's account. John Gentile was also paid about \$100,000.00 from money wired out of dealership account.

2. We filed chapter 11 in the beginning of March 2011 in the bankruptcy court of New York and throughout the whole ordeal we still tried to settle with VW credit, they refused and insisted on a trustee coming in. VW of America and VW credit were offered a settlement prior to a trustee appointed. They were also contacted by buyers that we brought to the table. More than one buyer was presented in court prior to trustee being appointed. VW of America denied all parties for no apparent reason.

3. The judge appointed a trustee in May of 2011. We immediately had our attorney Eric Snyder set up a meeting with the trustee assigned to our case.

4. A meeting was set up a day or two after the trustee was assigned. Alan Nisselson's agreed to have the meeting in his office with Julian Salim and Big Apple's attorney Eric Snyder.

5. At 10 o'clock in the morning, Alan Nisselson interviewed me Julian Salim in presents of my attorney Eric Snyder and his council Leslie Barr for about an hour in his city office on 7th avenue. Alan Nisselson asked me every question to be

asked. I remember that day like it was yesterday. A bright sunny day in early May. I cooperated and disclosed every single detail of all transaction. He asked me for information of where I wired the money and to whom it was wired to. I informed of all and exact details and who I paid money to. Alan Nisselson was taking notes on a yellow pad while I was explaining all transaction to him. I informed him that I wired money to Syria to purchase used vehicles. Alan Nisselson was also informed that I paid a loan back to my mother for her mortgage loan that was borrowed by Big Apple Volkswagen to start up the business. I explained everything to him about and where every single penny went.

A- All transactions and details were disclosed to VW credit in the bankruptcy court prior to the trustee being appointed, so for Alan Nisselson to say he discovered all these transaction afterwards is not true. The courts should still have the records.

B- Alan Nisselson was actually very pleasant to talk to when we first met. I trusted him and cooperated with him to the fullest.

C- After disclosing every single transaction of where all the money went, he asked me to get him a buyer as soon as I can and he will not sue anyone or take any further action. He specifically told me all he wants to do is to sell the dealership and pay VW credit their money back so we can all move on. His exact words, and I quote "I know nothing about the dealership business, so get

me a buyer and you have my word on not suing anyone." is what he kept saying to me.

6. During the meeting I informed him that I have a ready buyer for 1.1 million. Volkswagen of America had already contacted the buyer interested. I just needed to confirm the deal with the buyer Ted Bessin. I also remember very clearly when I told him that I wired money to Syria to purchase used cars to improve our business. His partner Leslie looked up at Allen and told him, I quote, "Don't look at me, I'm not going to Syria to get that money" and we all laughed it out. We shook hands on a deal in front of his partner Leslie Barr and our attorney Eric Snyder that if I get him a buyer he would not sue anyone and would also allow me and my partner to continue operating our dealership till it was sold or the debt was paid. Again, he states i know nothing about the dealership business and he would allow us to continue operating it.

7. Two days later I called Alan to let him know that I confirmed with the buyer and he was ready to purchase. Alan Nisselson told me he would speak to the buyer and get back to me later on that afternoon. He never called me back. I called him the next morning to see if he had contacted the buyer Ted Bessin. Alan Nisselson was very rude. He hung up the phone on me after telling me that he has no time for me. He suddenly became a different man from the pleasant man I met in his office few days earlier. A day later while I was on my way to

work, my partner, Greg Samborski, called my cell to inform that the trustee sent one of his attorneys to throw us out of the dealership and we would not be allowed in our dealership any longer. We were thrown out of our own dealership and couldn't even take any of our personal belongings. I was shocked to the news and couldn't believe he would go back on his word after he and I shook hands on a deal we made few days earlier. The trustee shut the entire operation down by firing all employees only keeping my accountant, Judy Kalis.

8. The dealership was still earning money from our service and parts department, he also shut that down. I asked him one more time to allow us to operate since he knew nothing about the business to no avail. We would have generated well over \$100,000.00 per month.

9. It made no sense to shut the operation down and keep the place open for another 9 months only to sell it to the same person I got for them nine months earlier, Ted Bessin.

10. He also decided to sue my parents and only my parents for the mortgage paid that was owed to them, another shock to me on how he went back on his word after promising me he wouldn't sue them. My parents are very old and sick they suffer from bad heart condition, hight blood pressure and fighting cancer.

Alan Nisselson knew my parents Ratiba Salim and Wahid Saleem had no knowledge of anything that had happened.

11. He didn't sue the attorneys that I paid from that money, Eric Snyder and John Gentile were both paid from money wired out of Big Apple VW account.

12. Alan Nisselson did not allow us to continue to operate the business like he promised. We could have continued to generate money and keep our employees employed. He would not allow us anywhere near the dealership. We were kept in the dark and couldn't do anything to help sell the place anymore.

13. When we left the dealership we had about ten used vehicles in the value of about \$100,000.00, and \$150,000.00 in our bank account. The dealership was sold for \$918,000.00 which totals \$1,168,000.00. VW was only owed \$740,000.00. Till this day, we were never offered any information of where the money went and who got paid. The trustee refused to give me my K1 for my tax return. By law I'm required to file K1 on my tax return but couldn't because he wouldn't give me any info.

14. During the trustee's stay, my accountant would call me and email me to inform me on how the trustee is robbing the place and stealing the company's money. I will produce emails for evidence.

15. To summarize the whole thing, not only did the trustee not keep his promise; he ruined the dealership and put it in more debts for no apparent reason. Till this day I suffer from nightmares from all his wrong doings. He had caused me my marriage and ruined my life just for greed.

16. The trustee ruined the dealership by shutting it down and not allowing us to continue operating it. He fired all employees and didn't know what to do with the business.

17. If he would have allowed us to operate the business, the dealership would've sold for much more money. He took the dealership down to the point where the value dropped. He and VW credit purposely ruined the dealership and its value.

18. Alan Nisselson kept insisting on me to get a buyer because he didn't know anything about the car dealership business.

19. After the trustee met with VW attorneys, he became a completely different man from the one I met. He and VW credit couldn't agree on a carve out.

20. Alan Nisselson should have looked out for the best interest of the dealership Big Apple Volkswagen and the value of it
21. He was more interested in ruining my life instead of keeping the business alive to generate money and pay the debtors.

He repeatedly misled the court about knowing what I disclosed to him

**AS AND FOR ITS FIRST CAUSE OF ACTION BREACH OF FIDUCIARY DUTY.**

22. Julian Salim repeats, restates, reiterates and re-alleges each and every allegation contained in paragraphs 1-21 and incorporates the same as though full set forth herein.
23. Alan Nisselson as a trustee had a fiduciary duty to keep Big Apple Volkswagen open for business and continue operating it to pay off any debt.
24. Alan Nisselson ruined the dealership by shutting it down, stopping all sales, service and parts. He showed no good faith or ethics.

**AS AND FOR ITS SECOND CAUSE OF ACTION BREACH OF CONTRACT**

25. Alan Nisselson promised not to sue Ratiba Salim and Wahid Saleem. He breached on his agreement as promised not to sue anyone.

26. Alan Nisselson breached the contract by not keeping his word to keep dealership operating as promised.

**AS AND FOR ITS THIRD CAUSE OF ACTION TO COMPEL TRUSTEE**

27. The court should compel trustee Alan Nisselson from suing Ratiba Salim and Wahid Saleem.

28. Based upon the facts, circumstances, and series of bad transactions as set for the above Alan Nisselson's act and omissions were done willfully and maliciously to injure Big Apple Volkswagen and its property:

29. Alan Nisselson repeatedly misled the court throughout the entire case.  
WHEREFORE, Julian Salim hope the court finds in his favor in the amount of one million dollar. Jury trial demanded.

By: Julian Salim

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